

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MORRIS,

Plaintiff,

19 Civ. 0332 (DAB)

ORDER

-against-

PLANET FITNESS,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of Plaintiff's attorney's incredible letter of December 1, 2019, attached hereto as Exhibit A, which was mailed via regular mail and not filed on ECF. Plaintiff's attorney consistently refuses to comply with the requirement of filing all papers electronically. The Court has previously advised her that she must file electronically. Furthermore, the Court cannot order a party to settle.


Because of Plaintiff's intransigence and repeated attempts to make the rules of the Court bend to Plaintiff's idiosyncrasies, the Court sua sponte DISMISSES this action WITHOUT PREJUDICE.

If Plaintiff's attorney decides to come into the twenty-first century and comply with the rules of the Court within the statute of limitations, she may file this case electronically.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: New York, New York  
December 17, 2019

  
Deborah A. Batts  
United States District Judge

**PAMELA GABIGER**

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DECEMBER 1, 2019

HON. DEBORAH BATTS  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Courtroom: 24B

RE: MORRIS V PLANET FITNESS INDEX: 1:19-CV-00332(SDNY)

DEAR JUDGE BATTS:

I RESPECTFULLY REQUEST THAT THE COURT MAKE AN ORDER DIRECTING DEFENSE COUNSEL TO RESOLVE THIS CASE FOR ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS AT THIS TIME. THIS IS AN EGREGIOUS CASE WHERE PLAINTIFF, AN INNOCENT MEMBER OF PLANET FITNESS SUFFERED SEVERE BURNS IN THE SHOWER REQUIRING MULTIPLE HOSPITAL VISITS AND EXCRUCIATING PAIN AND SUFFERING SOLELY AS A RESULT OF DEFENDANT'S NEGLIGENCE. IN THE ALTERNATIVE, PLEASE DIRECT DEFENSE COUNSEL TO PRODUCE DEFENDANT FOR DEPOSITION ON 12/16/19 PURSUANT TO THE ENCLOSED NOTICE TO TAKE DEPOSITION PURSUANT TO RULE 30B6. EVEN THROUGH I WAS SEVERELY ILL AT THE TIME OF PLAINTIFF'S DEPOSITION ON NOVEMBER 8TH, I TRIED TO SCHEDULE DEFENDANT'S DEPOSITION FOR NOVEMBER 11, 2019, BUT DEFENSE COUNSEL REFUSED TO APPEAR AND PRODUCE DEFENDANT. I REQUEST SERVICE BY MAIL OF THIS CORRESPONDENCE BECAUSE I WAS NOT ABLE TO FILE ELECTRONICALLY ON 12/1/19. THANK YOU.

RESPECTFULLY YOURS,  
PAMELA GABIGER



CC: FAX 212 687-0659 [PBARGER@HARRISBEACH.COM](mailto:PBARGER@HARRISBEACH.COM)

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